

Senate Bill 133

By: Senators Hawkins of the 49th, Goggans of the 7th, Thomas of the 54th, Williams of the 19th, Hooks of the 14th and others

**AS PASSED**

**AN ACT**

To amend Article 8 of Chapter 8 of Title 31 of the Official Code of Georgia Annotated, relating to the "'Health Share' Volunteers in Medicine Act," so as to revise a definition; to provide for sovereign immunity protection for certain health care professionals in safety net clinics who participate in the Health Share Program; to provide for statutory construction; to provide for related matters; to repeal conflicting laws; and for other purposes.

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

**SECTION 1.**

Article 8 of Chapter 8 of Title 31 of the Official Code of Georgia Annotated, relating to the "'Health Share' Volunteers in Medicine Act," is amended in Code Section 31-8-192, relating to definitions, by revising subparagraph (R) of paragraph (5) as follows:

"(R) A safety net clinic, which includes any other medical facility the primary purpose of which is to deliver human dental or medical diagnostic services or which delivers nonsurgical human medical treatment and which may include an office maintained by a provider;"

**SECTION 2.**

Said article is further amended by adding a new Code section to read as follows:

"31-8-195.1.

(a) A registered professional nurse, nurse midwife, licensed practical nurse, or advanced practice registered nurse licensed or registered under Chapter 26 of Title 43 who is employed by a safety net clinic that executes a contract with a governmental contractor pursuant to this article shall be considered a state officer or employee for purposes of Article 2 of Chapter 21 of Title 50 while providing health care services pursuant to such contract, so long as such nurse provides nonemergent care and such nurse's total compensation, including all cash and noncash remunerations, does not fluctuate in relation to:

- (1) The number of patients served in the clinic;
  - (2) The number of patient visits to the clinic;
  - (3) Treatments in the clinic; or
  - (4) Any other fact relating to the number of patient contacts or services rendered pursuant to a contract under this article.
- (b) A physician licensed pursuant to Chapter 34 of Title 43 or medical resident who provides nonemergent medical care and treatment in a safety net clinic that executes a contract with a governmental contractor pursuant to this article shall be considered a state officer or employee for purposes of Article 2 of Chapter 21 of Title 50 while providing health care services pursuant to such contract, so long as the physician is practicing pursuant to a license issued under Code Section 43-34-45.1 or the physician or resident receives no compensation from the safety net clinic and is on staff at a local or regional hospital and provided that the physician's total compensation, including all cash and noncash remunerations, does not fluctuate in relation to:
- (1) The number of patients served in the clinic;
  - (2) The number of patient visits to the clinic;
  - (3) Treatments in the clinic; or
  - (4) Any other fact relating to the number of patient contacts or services rendered pursuant to a contract under this article.
- (c) No hospital shall require a physician to provide services at a safety net clinic as a condition for granting of staff privileges or for retaining staff privileges at such hospital.
- (d) This Code section shall be supplemental to all other provisions of law that provide defenses to health care providers. This Code section shall not create any new cause of action against a health care provider or additional liability to health care providers."

### **SECTION 3.**

All laws and parts of laws in conflict with this Act are repealed.